

1 5-4 (sic). Okay.

2 (Exhibit No. 55 marked and admitted)

3 SEN. DUNCAN: Members, there were a
4 number of people that signed up to testify but who did
5 not come when called to do so, either because they
6 left or couldn't be here. We will enter their names
7 in the record and record the position as indicated on
8 their card.

9 We also have a number of cards that --
10 quite a number of cards of people who have registered
11 a position on the bill but do not wish to testify, and
12 those will be made a part of the record as well.

13 Members, I think one thing I want to
14 maybe -- it might be a good idea for us to set aside
15 the decorum rule a little bit and clap for those
16 witnesses who stayed here and listened to our
17 testimony. I think that was --

18 (Applause)

19 SEN. DUNCAN: Members, the Chair will --
20 there being no other witnesses to come before the
21 Committee, the Chair will close public testimony.

22 Members, we'll stand at ease for a few
23 minutes. The court reporter has been going for a
24 couple of hours, and I would -- we'll be back in --
25 we'll go back in session at 9:15 -- or I'm sorry.

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1 Excuse me. It's been a long day. The Senate will
2 stand at ease until 9:15.

3 Sen. Deuell, for what purpose?

4 SEN. DEUELL: Mr. President, before we
5 come back and we address the vote, I just wanted to
6 say how proud I am of the Members of the Texas Senate.
7 We have debated a very, very sensitive issue that has
8 votes strong sides -- strong feelings on both sides,
9 and I just wanted to express my appreciation to the
10 Members and to the public that was here. I think that
11 this was an example of how democracy in this country
12 is supposed to work.

13 SEN. DUNCAN: Thank you, Senator. I
14 agree.

15 Members, we'll stand at ease. Let's
16 make it -- let's make it -- hang on a minute. I'm
17 sorry.

18 Sen. Zaffirini?

19 SEN. ZAFFIRINI: I'm glad that
20 Sen. Deuell is happy because today is his birthday.
21 We should all join in wishing him a very happy
22 birthday.

23 (Applause)

24 SEN. DUNCAN: Members, we've been taking
25 a ten-minute break. Instead of 15, let's just go and

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1 stand at ease until 9:10.

2 SEN. PATRICK: Mr. Chairman?

3 Mr. Chairman?

4 SEN. DUNCAN: Sen. Patrick?

5 SEN. PATRICK: I just wanted to thank
6 the staff from our Sergeant-at-Arms to our messenger.
7 I know -- I think Courtney just left. She was here
8 from six o'clock last night as our messenger until
9 seven this morning, and all the staff members. I know
10 we're still continuing, but I want to thank everyone
11 who stayed here throughout the night.

12 SEN. DUNCAN: Thank you. Stand at ease
13 until 9:10 a.m.

14 (Recess: 9:00 a.m. to 9:12 a.m.)

15 SEN. DUNCAN: The Committee of the Whole
16 will come back to order. Members, if you could take
17 your seats?

18 Sen. Fraser, you're recognized for a
19 motion. He isn't here. Sen. Fraser, you're
20 recognized for a motion.

21 SEN. FRASER: And if you don't mind, I'm
22 waiting for all the Senators that came in, that stayed
23 here all night.

24 Members, I -- it was a pretty amazing
25 night, and it makes me remember why I'm so proud to be

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1 a member of this body. I appreciate so much the -- I
2 appreciate so much everyone, the way they conducted
3 themselves. Thank you. Thank you to the staff.
4 Thank you for the witnesses. We appreciate it.

5 I would now move to report Senate
6 Bill 362 to the full Senate with the recommendation
7 that it do pass and be printed.

8 SEN. DUNCAN: Sen. Fraser moves that
9 Senate Bill 362 be reported to the full Senate with
10 the recommendation that it do pass and be printed.
11 The clerk -- the secretary will call the roll.

12 **ROLL CALL NO. 3**

13 SECRETARY SPAW: Averitt?

14 SEN. AVERITT: (Indicated "aye" vote)

15 SECRETARY SPAW: Carona?

16 SEN. CARONA: (Indicated "aye" vote)

17 SECRETARY SPAW: Davis?

18 SEN. DAVIS: (Indicated "nay" vote)

19 SECRETARY SPAW: Deuell?

20 SEN. DEUELL: (Indicated "aye" vote)

21 SECRETARY SPAW: Duncan?

22 SEN. DUNCAN: (Indicated "aye" vote)

23 SECRETARY SPAW: Ellis?

24 SEN. ELLIS: (Indicated "nay" vote)

25 SECRETARY SPAW: Eltife?

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1 SEN. ELTIFE: (Indicated "aye" vote)
2 SECRETARY SPAW: Estes?
3 SEN. ESTES: (Indicated "aye" vote)
4 SECRETARY SPAW: Fraser?
5 SEN. FRASER: (Indicated "aye" vote)
6 SECRETARY SPAW: Gallegos?
7 SEN. GALLEGOS: (Indicated "nay" vote)
8 SECRETARY SPAW: Harris?
9 SEN. HARRIS: (Indicated "aye" vote)
10 SECRETARY SPAW: Hegar?
11 SEN. HEGAR: (Indicated "aye" vote)
12 SECRETARY SPAW: Hinojosa?
13 SEN. HINOJOSA: (Indicated "nay" vote)
14 SECRETARY SPAW: Huffman?
15 SEN. HUFFMAN: (Indicated "aye" vote)
16 SECRETARY SPAW: Jackson?
17 SEN. JACKSON: (Indicated "aye" vote)
18 SECRETARY SPAW: Lucio?
19 SEN. LUCIO: (Indicated "nay" vote)
20 SECRETARY SPAW: Nelson?
21 SEN. NELSON: (Indicated "aye" vote)
22 SECRETARY SPAW: Nichols?
23 SEN. NICHOLS: (Indicated "aye" vote)
24 SECRETARY SPAW: Ogden?
25 SEN. OGDEN: (Indicated "aye" vote)

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1 SECRETARY SPAW: Patrick?
2 SEN. PATRICK: (Indicated "aye" vote)
3 SECRETARY SPAW: Seliger?
4 SEN. SELIGER: (Indicated "aye" vote)
5 SECRETARY SPAW: Shapiro?
6 SEN. SHAPIRO: (Indicated "aye" vote)
7 SECRETARY SPAW: Shapleigh?
8 SEN. SHAPLEIGH: (Indicated "nay" vote)
9 SECRETARY SPAW: Uresti?
10 SEN. URESTI: (Indicated "nay" vote)
11 SECRETARY SPAW: Van de Putte?
12 SEN. VAN de PUTTE: (Indicated "nay"
13 vote)
14 SECRETARY SPAW: Watson?
15 SEN. WATSON: (Indicated "nay" vote)
16 SECRETARY SPAW: Wentworth?
17 SEN. WENTWORTH: (Indicated "aye" vote)
18 SECRETARY SPAW: West?
19 SEN. WEST: (Indicated "nay" vote)
20 SECRETARY SPAW: Whitmire?
21 SEN. WHITMIRE: No.
22 SECRETARY SPAW: Williams?
23 SEN. WILLIAMS: (Indicated "aye" vote)
24 SECRETARY SPAW: Zaffirini?
25 SEN. ZAFFIRINI: (Indicated "nay" vote)

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1 SECRETARY SPAW: Mr. President?

2 SEN. DUNCAN: (Indicated "aye" vote)

3 SECRETARY SPAW: That was the vote, 20
4 to 12; 20 "ayes" and 12 "nays".

5 SEN. DUNCAN: There being 20 "ayes" and
6 12 "nos", Senate Bill 362 will be reported to the full
7 Senate with the recommendation it do pass and be
8 printed.

9 Sen. Whitmire, for what purpose?

10 SEN. WHITMIRE: I was going to recognize
11 this body for it's outstanding work. I've been here
12 36 years, 26 in the Senate. I've seen filibusters go
13 all night long and Members just kind of scatter and
14 are on call, but I have never -- and would be
15 surprised if anyone, Patsy, can recall the body
16 starting one day, going all night, all Members
17 present, conducting themselves like ladies and
18 gentlemen. So I'm just real proud, Troy and
19 Lieutenant Governor, each and every one of you. Our
20 two freshmen made outstanding contributions.

21 And I just really stood up -- really
22 stood up to recognize Sen. Duncan, a very tough job,
23 it was very fair, and we're really proud of you as a
24 Member of the Senate.

25 (Applause)

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1 SEN. DUNCAN: Thank you.

2 SEN. DEUELL: Mr. President?

3 SEN. DUNCAN: Sen. Deuell?

4 SEN. DEUELL: A parliamentary inquiry.

5 The vote was 20 to 12. I understand that the
6 Lieutenant Governor takes your seat. Does that
7 exclude you from voting? Have we acted properly in
8 that regard?

9 SEN. DUNCAN: Yes, Senator.

10 SEN. DEUELL: I understand there's 31
11 with that vote, but --

12 SEN. DUNCAN: The Chair and the
13 President are entitled to vote --

14 SEN. DEUELL: Okay.

15 SEN. DUNCAN: -- in the Committee of the
16 Whole.

17 SEN. DEUELL: I just wanted to clarify
18 that.

19 SEN. DUNCAN: Yes, sir. Thank you.

20 All right, Members, the Chair happily
21 recognizes Sen. Wentworth for a motion.

22 SEN. WHITMIRE: Mr. President, I move
23 the Committee of the Whole Senate rise and report.

24 SEN. DUNCAN: Members, you've heard the
25 motion. Is there any objection?

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1 (No response)
2 SEN. DUNCAN: There is no objection.
3 The Senate will rise and report.
4 (Proceedings concluded for purposes of
5 this record at 9:18 a.m.)
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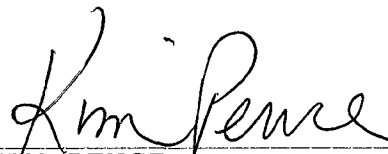
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I FURTHER CERTIFY THAT the proceedings of such were reported by me or under my supervision, later reduced to typewritten form under my supervision and control and that the foregoing pages are a full, true and correct transcription of the original notes.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 25th day of March 2009.



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